

**REMARKS**

Reconsideration of the application in view of the following remarks is respectfully requested. Claims 11-12, 23-24, and 26 have been canceled. No claims have been amended. Claims 1-10, 13-22, 25, and 27 are currently pending in the application.

**CLAIM REJECTIONS UNDER 35 U.S.C. §102**

In the Final Office Action, the Examiner rejected claims 1-5, 10, 13-17, 22, 25 and 27 under 35 U.S.C. §102(e) as being anticipated by Ellison et al. (U.S. Patent No. 6,663,963). This rejection is respectfully traversed.

**Claim 1**

Claim 1 recites:

A method comprising:  
 establishing a global zone, wherein the global zone is a global operating system environment that can support execution of one or more processes;  
 establishing a non-global zone within the global zone, wherein the non-global zone is a partition of the global operating system environment, wherein the non-global zone operates as a separate and distinct operating system environment, and wherein the non-global zone can support execution of one or more processes;  
isolating a first process executing within the non-global zone to the non-global zone so that the first process does not have visibility or access to processes and objects that are not associated with the non-global zone;  
 permitting a second process executing within the global zone to have visibility and access to processes and objects associated with the global zone; and  
 permitting the second process executing within the global zone to have access to processes and objects associated with the non-global zone, if the second process has a privilege to cross zone boundaries. (Emphasis added)

As indicated by the above underlining, claim 1 specifically recites that a first process executing within the non-global zone is isolated to the non-global zone. By doing so, the method of claim 1 prevents the first process from having visibility or access to processes and

objects that are not associated with the non-global zone. As described in paragraph 0039 of the Specification, this allows the non-global zone to behave like a virtual standalone computer. At least this aspect of claim 1 is not disclosed or suggested by Ellison.

In the Final Office Action, the Examiner interpreted the normal execution environment (see Fig. 1A of Ellison) and the isolated execution environment of Ellison as the global zone recited in claim 1, and interpreted the isolated execution environment of Ellison as the non-global zone recited in claim 1. The Examiner contended that, under this interpretation, Ellison teaches all of the limitations of claim 1, including the limitation discussed above. Applicants respectfully disagree.

If the isolated execution environment of Ellison is interpreted as the non-global zone of claim 1, then in order for the "isolating" limitation of claim 1 to be taught, Ellison would have to show that the processes executing within the isolated execution environment are isolated to that environment so that they do not have visibility or access to processes and objects that are not within the isolated execution environment. Put another way, Ellison would have to show that the processes (such as OS nub 16, processor nub 18, and applets 46<sub>1</sub>-46<sub>K</sub> of Fig. 1A) that are executing within the isolated execution environment are prevented from having visibility or access to processes (such as primary OS 12, software drivers 13, hardware drivers 14, and applications 42<sub>1</sub>-42<sub>N</sub>) and objects that are outside the isolated execution environment. There is no such teaching in Ellison. In fact, Ellison teaches the opposite.

In Col. 6, lines 47-52, Ellison specifically states that the OS nub 16 and the processor nub 18 (both of which are processes executing within the isolated execution environment) can access the non-isolated memory area 80 (see Fig. 1B of Ellison), including the application pages 82, which contain data for the applications 42<sub>1</sub>-42<sub>K</sub> in the normal execution

environment, and the OS pages 84, which contain data for the primary OS 12, the software drivers 13, and the hardware drivers 14, all of which are in the normal execution environment. This excerpt further states that the applets 46<sub>1</sub>-46<sub>k</sub> in the isolated execution environment can access the application pages 82, which contain data for the applications 42<sub>1</sub>-42<sub>k</sub> in the normal execution environment. Thus, from this excerpt, it is abundantly clear that the processes executing in the isolated execution environment can access the memory pages used by processes executing in the normal execution environment. This in turn means that the processes executing in the isolated execution environment have visibility and access to the processes and objects in the normal execution environment. Unlike claim 1, there is nothing in Ellison that discloses or suggests isolating the processes executing in the isolated execution environment to that environment so that they do not have visibility or access to processes or objects that are not within the isolated execution environment. Because Ellison fails to teach or suggest at least this aspect of claim 1, Applicants respectfully submit that claim 1 is patentable over Ellison.

Applicants further submit that claims 2-5 and 10, which depend from claim 1, and which recite further advantageous aspects of the invention, are likewise patentable over Ellison for at least the reasons given above in connection with claim 1.

#### Claims 13-17, 22, 25, and 27

Claim 13 is a computer readable storage medium counterpart of claim 1. Applicants submit that claim 13 is patentable over Ellison for at least the reasons given above in connection with claim 1.

Applicants further submit that claims 14-17 and 22, which depend from claim 13, and which recite further advantageous aspects of the invention, are likewise patentable over Ellison for at least the reasons given above in connection with claim 13.

Claim 25 is an apparatus counterpart of claim 1. Applicants submit that claim 25 is patentable over Ellison for at least the reasons given above in connection with claim 1.

Claim 27 is a system counterpart of claim 1. Applicants submit that claim 27 is patentable over Ellison for at least the reasons given above in connection with claim 1.

### **CLAIM REJECTIONS UNDER 35 U.S.C. §103**

In the Final Office Action, the Examiner rejected claims 6-9 and 18-21 under 35 U.S.C. §103(a) as being unpatentable over Ellison et al. in view of Merkling et al. (U.S. Patent No. 5,841,869). This rejection is respectfully traversed.

It is noted that claims 6-9 depend from claim 1 and claims 18-21 depend from claim 13. Thus, if it is shown that claims 1 and 13 are patentable over Ellison and Merkling, then it logically follows that claims 6-9 and 18-21 are likewise patentable over Ellison and Merkling.

As argued above, Ellison taken individually fails to disclose or suggest at least the "isolating" aspect of claims 1 and 13. This same aspect of claims 1 and 13 is also not disclosed or suggested by Merkling. In fact, the Examiner has made no allegation that Merkling teaches this aspect of claims 1 and 13. Since neither reference discloses or suggests at least this aspect of claims 1 and 13, even if the references were combined (assuming for the sake of argument that it would have been obvious to combine the references), they still would not yield the invention as claimed in claims 1 and 13. Accordingly, Applicants respectfully submit that claims 1 and 13 are patentable over Ellison and Merklin, taken individually or in combination.

Applicants further submit that claims 6-9 and 18-21, which depend from claims 1 and 13, respectively, and which recite further advantageous aspects of the invention, are likewise patentable over Ellison and Merklings for at least the reasons given above in connection with claims 1 and 13.

### **CONCLUSION**

For the reasons set forth above, Applicants respectfully submit that all of the pending claims are patentable over the art of record, including any art cited but not applied. Accordingly, Applicants request that this response be entered and made of record, and that all pending claims be allowed.

The Examiner is invited to telephone the undersigned at (408) 414-1080 to discuss any issues that may advance prosecution.

No fee is believed to be due specifically in connection with this Reply. To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. §1.136. The Commissioner is authorized to charge any fee that may be due in connection with this Reply to our Deposit Account No. 50-1302.

Respectfully submitted,  
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